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CONFLICTING AGENDAS: THE PRESIDENT AND CONGRESS

Hard ride ahead

Clear Skies plan is anything but clean

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February 13, 2005

The air we breathe, though far from perfect, has improved markedly in the past 30 years, thanks to the Clean Air Act. But these days the Bush administration is pushing hard to revise the Clean Air Act by substituting a measure called the Clear Skies bill, which the president touted in his State of the Union address.

This proposed Clear Skies bill actually would weaken the Clean Air Act and open the skies to a much murkier future, a matter of life and death for many Americans. The Bush bill would seriously undercut important provisions of the Clean Air Act and undercut as well as delay regulation of certain major air pollutants.

The Clean Air Act is actually a series of laws passed in the past 40 years by Democratic and Republican administrations. Taken together, these laws (the act was originally passed in 1963, but important amendments were added in 1970 and 1990) set emission standards for pollutants from "stationary" sources (such as power plants) and "mobile" sources (cars, for instance).

All of them work through state and local agencies, and the 1970 Clean Air Act mandated the states to form their own plans, subject to review by the Environmental Protection Agency, which is charged with maintaining national minimum standards.

Cleaner air

The acts have cut the particulates clogging the air, they have reduced by 98 percent the amount of lead in our air, and they have reduced the use of high-sulfur fuels and the production of chlorofluorocarbons. (Particulates, byproducts of burning fossil fuels, cause cancer and hinder breathing; lead is toxic to the human system; sulfur brings acid rain; CFCs contribute to ozone depletion.)

They mandate the use of the "best available control technology" and set deadlines for meeting the

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standards. The effort to control pollution thus has evolved, as new problems and new ways of solving them have been recognized.

Hence, by an amendment of 1977 called New Source Review, Congress amended the Clean Air Act so that major industrial polluters (such as coal-fired power plants, chemical factories and oil refineries) must install up-to-date pollution controls when they build plants or when they undertake significant modifications of old ones.

Moreover, the act of 1970 introduced the principle of "emissions trading," whereby industrial polluters get credit for reducing pollution from one plant that can then be used to compensate for emissions from another--as long as total emissions meet standards for a given area.

These acts made a good start in improving air quality throughout the United States. In some areas, like Los Angeles, the terrible smog of the 1960s and 1970s have largely disappeared. The EPA reports that total national emissions of the six main air pollutants decreased by 25 percent from 1970 to 2001, even though the population and GDP grew.

The consequences of eroding the Clean Air Act are dire.

The EPA reports that in 2001 more than 133 million Americans still lived in counties where air quality "was unhealthy at times." (Note the recent action alert issued by the Illinois EPA for all the counties surrounding Chicago.)

The American Lung Association says air pollution still causes thousands of premature deaths and millions of asthma attacks each year. It is now widely recognized that mercury is highly toxic, and that airborne mercury contaminates the whole food chain in lakes, rivers and oceans.

This is serious: Because of mercury pollution, the Illinois Department of Public Health advises pregnant or nursing women, women of childbearing age and children younger than 15 to eat no more than one largemouth bass a month taken from Chicago-area lakes, such as Lake in the Hills.

Fortunately, the Clean Air Act mandates elimination of dangerous soot and smog by 2010, mainly by reducing further the emissions of sulfur dioxide and nitrogen oxide; and it will for the first time limit mercury pollution by capping national production at 5 tons per year nationally by 2008.

Under the guise of reform

Alas, the president's proposed Clear Skies bill would severely weaken the Clean Air Act under the guise of reform. The administration claims that it would reduce air pollution by 70 percent in the next 15 years, but in fact the existing law would reduce air pollution by more over a shorter time span.

Clear Skies would work in two stages, the second stage generally not beginning until 2018.

In its first stage, it would:

- Allow polluters to produce a total of 26 tons of mercury per year as late as 2010;
- Loosen and delay the Clean Air Act's cap on nitrogen oxide, allowing 68 percent more per year until 2018;
- Allow 225 percent greater production of sulfur dioxide before 2010;

- Expand a loophole that allows power plants to escape the standards of New Source Review and best available control technology;
- And reduce the power of individual states to sue out-of-state power plants whose emissions drift over their borders, and to impose stricter environmental controls than the federal minimum.

In short, Clear Skies would allow industries to keep polluting at higher levels for a longer time than the Clean Air Act allows.

Gift to power companies

The Bush administration is selling its Clear Skies bill as environmental progress, but in truth it is a gift to the power companies -- major contributors to Republican campaigns. The administration has already bullied the EPA into controversial decisions to weaken the Clean Air Act.

We must not allow the blatantly deceptive Clear Skies bill to erode further the future of the Clean Air Act, which, along with the Clean Water Act, is one of the pillars of environmental health in the United States.

There are proposals in Congress to improve the Clean Air Act that are far superior to Clear Skies-- notably the Senate Clean Power bill and the House Clean Smokestacks bill, both of which would further reduce dangerous pollutants in the air we breathe, and both of which introduce controls over carbon dioxide, which is deliberately omitted from Clear Skies. Clean Power and Clean Smokestacks, not Clear Skies, are the bills that merit consideration by Congress and the American people.

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